

ORIGINAL

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Clerk of the Superior Court

SEP 07 2005

By: K SANDOVAL, Deputy

JUSTICELINK  
FILING ID

# 6626497

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

(UNLIMITED JURISDICTION)

COORDINATION PROCEEDING  
SPECIAL TITLE (Rule 1550(b))

) Judicial Council Coordinating Proceeding  
) Nos. 4221, 4224, 4226 & 4228

NATURAL GAS ANTI-TRUST CASES  
I, II, III & IV

) **[PROPOSED] ORDER OVERRULING**  
) **DEMURRERS AND DENYING**  
) **MOTION TO STRIKE**

This Document Relates To:

) Date: August 23, 2005

ALL PRICE INDEXING CASES

) Time: 10:00 a. m.

) Dept.: 71

) Judge: Hon. Ronald S. Prager  
) Coordination Trial Judge

ORDER OVERRULING DEMURRERS AND DENYING MOTION TO STRIKE

1 Defendants' Demurrer to Claims for Unfair Competition and Unjust  
2 Enrichment ("Defendants' Demurrer"), Defendants' Motion to Strike Requests for Monetary  
3 Relief Under Claims for Unfair Competition and Unjust Enrichment ("Defendants'  
4 Alternative Motion To Strike"), and Defendant Kathleen Zanaboni's Demurrer to Master  
5 Class Action Complaint and Individual Complaints (the "Zanaboni Demurrer") came on for  
6 hearing on August 23, 2005 at 10:00 a.m.<sup>1</sup> The parties' appearances are as noted on the  
7 reporter's transcript of the hearing. Having considered the moving, opposing, reply, and sur-  
8 reply papers filed by the parties, the authorities cited therein, and the arguments of counsel  
9 presented at the hearing, Defendants' Demurrer is OVERRULED, and Defendants'  
10 Alternative Motion to Strike is DENIED, for the reasons stated in the Court's August 22,  
11 2005 tentative ruling, and the Zanaboni Demurrer is OVERRULED, for the reasons stated in  
12 the Court's August 22, 2005 tentative ruling.

13 All defendants in the Price Indexing Cases who have not filed motions to  
14 quash or additional demurrers that have not yet been ruled upon are ordered to answer the  
15 complaints within 15 days of the date of this order.

16 APPROVED AS TO FORM:

17  
18 By: /s/ Barry R. Himmelstein  
Barry R. Himmelstein  
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26 Class Plaintiffs' Co-Lead and Liaison Counsel

27  
28 <sup>1</sup> As set forth in the Stipulation and Order Re Briefing Schedule On Motions to Quash and  
Affiliate Demurrers entered on June 17, 2005, Part III of the Zanaboni Demurrer will be heard  
at a later date.

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By: /s/ Joseph W. Cotchett  
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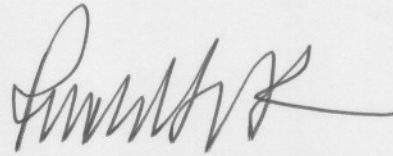
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Liaison Counsel for Defendants

IT IS SO ORDERED.

Dated: September 7, 2005



Hon. Ronald S. Prager  
Coordination Trial Judge